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Appl. No. 10/756,938
Amdt. dated 02/03/2006
Reply to Office Action of 11/03/2005

REMARKS

In this Office Action, the Examiner rejected Claims 1, 5, 6, 11, 15, 16, 21, 25, 26 under 35 U.S.C. §102(e) as being anticipated by Sabo et al. Claims 2 - 4, 7 - 10, 12 - 14, 17 - 20, 22, 23 and 27 - 30 were rejected under 35 U.S.C. §103 as being unpatentable over Sabo et al. in view of Engelke et al.

It appears to Applicants that the Examiner has inadvertently failed to indicate that Claim 24 was rejected under 35 U.S.C. §103 as being unpatentable over Sabo et al. in view of Engelke et al. For the purpose of this Response, Applicants will treat Claim 24 as being thus rejected.

In response to 102(e) rejection, Applicants have amended Independent Claims 1, 7, 11, 17, 21 and 27 and canceled Claims 5, 6, 8, 10, 15, 16, 19, 20, 25, 26, 29 and 30. Claims 2, 3, 12, 13, 22 and 23 were amended to better claim the invention.

By this amendment, Claims 1 - 4, 7, 8, 11 - 14, 17, 18, 21 - 24, 27 and 28 remain pending in the Application. For the reasons stated more fully below, Applicants submit that the claims are allowable over the applied references. Hence, reconsideration, allowance and passage to issue are respectfully requested.

As mentioned in the SPECIFICATION, a key feature of cellular telephones is text messaging, which is also known as Short Message Service (SMS). SMS is the transmission of short text messages to and from a cellular telephone, fax machine and/or IP address. Presently, however, text

AUS920030919US1

BEST AVAILABLE COPY

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Amdt. dated 02/03/2006

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messages cannot be sent from a landline telephone to another landline telephone. The present invention provides such capability.

According to the teachings of the invention, when a text message is sent from a first landline telephone to a second landline telephone, the message is sent first to an intermediary device. There, an audio file is made out of the text message. Once done, the intermediary device places a call to the second landline telephone. When the call is answered by either a person or an answering machine, the intermediary plays the audio file. Hence, the text message is delivered orally. If the landline is a digital telephone both the text message and the audio file may be downloaded to the landline telephone. If the landline telephone further has a screen to display text, either the text version of the message or the speech version of the message may be retrieved.

The invention is set forth in claims of varying scopes of which Claim 1 is illustrative.

1. A method of delivering a text message from a first landline telephone to a second landline telephone comprising:

sending the text message from the first landline telephone to an intermediary device, the intermediary device for:

making an audio file of the text message using a text-to-speech software module;

automatically placing a call to the second landline telephone; and

playing the audio file when the call is answered. (Emphasis added.)

AUS920030919US1

Page 10 of 13

BEST AVAILABLE COPY

Appl. No. 10/756,938

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Applicants believe that the claims, as amended, are not anticipated by Sabo et al.

Sabo et al. purport to teach a method of transmitting secure text messages. In accordance with the purported teachings of Sabo et al., an SMS message of a predefined type is transmitted from a mobile telephone over a network to an SMS receiver. Upon receiving the message, the receiver transmits an authorization request back to the mobile telephone. The authorization request is a request for a predefined code that has been previously stored at the SMS receiver by the user of the mobile telephone. Thus, the authorization request seeks to authenticate the message as being from the user.

When the user at the mobile telephone receives the authorization request, the user may send the predefined code to the SMS receiver. After receiving the code, the SMS receiver may append to the message a note stating that the message has been authenticated and forward the text message to its destination telephone.

The destination telephone may be another mobile telephone or a landline telephone. If the destination telephone is a landline telephone, the receiver may run the message through a translation algorithm to convert the text message to speech before forwarding the message. In some instances both the speech and text version of the message may be forwarded.

However, Sabo et al. do not teach, show or suggest the steps of **sending a text message from a landline telephone to another landline telephone or to a mobile phone** (see Claim 7) as claimed.

AUS920030919US1

BEST AVAILABLE COPY

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Engelke et al., on the other hand, purport to teach a voice and text transmission system for the deaf and hearing impaired. According to the teachings of Engelke et al., a relay connects a hearing user to an assisted user (e.g., a deaf or hearing impaired person). The relay digitizes the words spoken by the hearing user and also creates a text message from the spoken words. The relay then combines packets of the digital text message with packets of the digitized spoken words and sends the combined digital data packets to the assisted user. There, the text is separated from the voice and is displayed for reading while the assisted user, in the case of a hearing impaired person, hears the spoken words.

However, note that the hearing user does not send a text message to the assisted user, but rather merely speaks into a telephone. It is at the relay where the spoken words are converted to text and the text as well as the spoken words is sent to the assisted user.

Thus, just as in the case of Sabo et al., Engelke et al. do not teach the steps **of sending a text message from a landline telephone to another landline telephone or to a mobile phone** as claimed.

Consequently, Applicants submit that Claim 1, as well as its dependent claims should be allowable. The other independent claims (i.e., Claims 7, 11, 17, 21, 27) and their dependent claims should be allowable as well. Consequently, Applicants once more request reconsideration, allowance and passage to issue of the claims in the application.

AUS920030919US1

Page 12 of 13

Appl. No. 10/756,938
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BEST AVAILABLE COPY

Respectfully Submitted

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AUS920030919US1

Page 13 of 13